

### **REMARKS**

Claims 16–27 are pending in the present Application. Claim 16, 19–21, and 25 have been amended, and claim 17 has been canceled. Claims 19–21 and 25 have been amended to correct minor informalities. These amendments do not introduce new matter. Applicant respectfully requests reconsideration of the Application in light of these amendments and the following remarks.

#### *Obviousness*

The Office Action rejects claims 16 and 19–23 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,355,772 (“Gruber”) and claims 17–18 and 24–27 as being unpatentable under 35 U.S.C. § 103(a) over Gruber in view of U.S. Patent No. 3,047,524 (“Bowman”). This rejection is respectfully traversed.

Claim 16, as currently amended, recites a catalytic system comprising a strongly acidic ion-exchange resin polymeric catalyst and a (co)oligomerization additive of a general formula for the (co)oligomerization of lactide and/or glycolide by ring opening, wherein the quantity of monomer relative to the quantity of (co)oligomerization additive ranges from 2 to 30 molar equivalents. Claim 16 now includes the limitations of claim 17, which is cancelled. Claims 18–27 depend from and incorporate the limitations of claim 16.

Gruber teaches a catalytic system for the manufacture of lactide polymer using a strongly acidic ion-exchange polymeric catalyst. *See* Gruber, example 8, column 20, lines 55–67. The Examiner considers an alcohol as a (co)oligomerization additive, and Gruber teaches an alcohol as part of a (co)oligomerization reaction for weight control. *See* Gruber, column 15, lines 5–12. Claim 16, as amended, requires the quantity of monomer relative to the quantity of (co)oligomerization additive ranges from 2 to 30 molar equivalents, but the Examiner admits on page 4 of the Office action that “Gruber does not teach the nature and amount of alcohol used” as a (co)oligomerization additive. Therefore, Gruber fails to disclose every limitation of claim 16. The Examiner cites Bowman to cure this deficiency in Gruber.

Bowman discloses a composition of an organic polymeric material suitable for manufacturing plastic explosives. The composition consists of an aliphatic alcohol containing 1 to 6 carbon atoms added to a homopolymer of glycolic acid, wherein the polymer has a melting point of between 90 °C and 130 °C. *See* Bowman, column 1, lines 31–36. In Bowman, the defined alcohol is added after the polymerization reaction has completed. *See* Bowman, column

2, lines 7–9 (“When the desired melting point is reached, the polymer product may be cooled to ambient temperature and then blended with the defined alcohol.”). The extent of polymerization is controlled by other factors that drive the rate of polymerization, namely increasing temperature and reducing reaction pressure to remove water from the reaction. *See* Bowman, column 1, lines 56–62. The reaction is stopped when the polymer product achieves the desired melting point. *See id.* An aliphatic alcohol is not involved in any way in the polymerization reaction described in Bowman. In fact, the alcohol is added to the polymer product “in order to maintain the polymer at the desired characteristics.” *See* Bowman, column 1, lines 39–42. Furthermore, when the alcohol is added after the polymerization reaction has completed, there is no monomer left in the polymer. Without any remaining monomer, achieving the claimed 2 to 30 molar equivalent ratio of monomer quantity to (co)oligomerization additive is not possible. Applicant respectfully submits that Bowman fails to teach the nature and amount of alcohol used within and during the (co)oligomerization of lactide and glycolide. Accordingly, the rejection of claim 16 under 35 U.S.C. § 103(a) is improper and must be withdrawn.

Claims 18–27 are dependent on claim 16, which, as amended, has been shown to be patentable over Gruber and Gruber in view of Bowman. Applicant respectfully submits that claims 18–27, by virtue of their dependency from claim 16, are also patentable for the same reasons claim 16 is patentable. Accordingly, Applicant requests withdrawal of the rejection of claims 18–27 as being unpatentable under 35 U.S.C. § 103(a) over Gruber in view of Bowman.

**CONCLUSION**

For at least the reasons set forth above, Applicant respectfully submits that claims 16 and 18-27 are in condition for allowance. Should the Examiner believe anything further is needed to place the application in condition for allowance, the Examiner is invited to contact Jeff B. Vockrodt at (202) 419-2021.

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Respectfully Submitted



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